

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36299

SOO LINE RAILROAD COMPANY—PETITION FOR DECLARATORY ORDER AND
PRELIMINARY INJUNCTION—INTERCHANGE WITH CANADIAN NATIONAL

Decided: May 1, 2019

On April 30, 2019, Soo Line Railroad Company d/b/a Canadian Pacific (CP) filed a petition for declaratory order and preliminary injunction arising out of the termination of an interchange agreement with Wisconsin Central Ltd. d/b/a Canadian National (CN). CP states that the agreement governs the interchange of CN and CP cars in Chicago at Spaulding, where the two railroads physically connect. (CP Pet. 1.) CP states that CN gave notice that it is terminating the agreement effective May 10, 2019. (Id. at 2.) Instead of Spaulding, according to the petition, CN has stated that it will accept cars in interchange at CN's Kirk Yard in Gary, Ind. (Id.)

CP requests that the Board issue a declaratory order that CN's Kirk Yard is an unreasonable interchange location. (Id. at 2.) CP also requests that the Board issue a preliminary injunction, ordering CN to "continue to receive CP cars at Spaulding unless and until the parties agree upon a replacement location, CN designates a reasonable replacement location, or the Board prescribes a replacement location." (Id.) To give the Board sufficient time to consider CN's response before the termination of the interchange agreement becomes effective, CN will be directed to respond to CP's request for a preliminary injunction by Monday, May 6, 2019.

It is ordered:

1. CN is directed to respond to CP's request for a preliminary injunction by Monday, May 6, 2019.
2. This decision is effective on its date of service.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.